THE COURTS.

Cumulative Affidavits in the Crimmin's Divorce Case.

RATHER ROUGH ON A CUSTOMER.

Opening the Old Wounds and Telling the Story Over Again.

The facts involved in the divorce suit pending between Jennie C. Crimmins and her husband, Thomas E., have already very fully appeared in the HERALD, including a report of the habeas corpus proceedings brought by the husband to obtain the custody of their child from his wife. The ground of his application was that the mother was not a fit person to have custody of the child, by reason of the fact that she was addicted to the use of intoxicating liquors and had neglected her child on previous occasions. The answer to this on the part of the wife was that the charges against her as to intoxication and neglect of her child were wholly false; that not only was this so, but those very identical charges were applicable to the father; that he was not only intemperate and unfitted to have the custody of the child on that ground, but was accustomed to use language unfitted for a young child to learn. According to previous adjournment the question came before Judge Barrett, in the Supreme Court, yesterday, when a large number of affidavits were presented on the part of the wife by Mr. D. P. Gibbs, her counsel, in which the charge of intoxication was denied by parties who had been accustomed to visit the house for weeks at a time and had every opportunity to know what her habits in this respect were. On the husband's side his counsel, Mr. Albert Stickney, also presented a large number of affidavits which were not read to the Court, but which counsel stated in open court contained testimony to the effect that the wife had purchased wines and liquors at grocery and drug stores, with a request that her husband might not be informed of such purchase. Judge Barrett took the affidavits on both sides, nearly all of which contained merely cumulative evidence of what has already appeared in the proceedings and been made public. If on these affidavits, the Judge said, he should be unable to come to a conclusion as to what order to make in the premises, he would order a reference to take further testimony in the case.

A TOOTH AND NAIL ASSAULT.

Some years since Simon Friedburg was cashier in the fancy goods store of Stern Brothers, in Sixth avenue. He went in the summer of 1875 on a short vacation, and on his return was informed that his services were then no longer needed. About a year after this he was in the store, at the request of his mother, he says, to match some silks and purchase some velvets. While so engaged one of the firm, Isaac Stern by name, approached him and asked him what he was doing there. He answered that he had purchased goods and they had gone to the cashier's desk. Stern then ordered him to get out of the place, as he did not want to sell him any goods, at the same time seizing the plaintiff by the neck, striking him on the face, pulling him to the ground and then handing him over to his porter to put him out, which was done. From this violence the plaintiff claims further that his neck was scratched and injured, a painful abscess ensued, and the services of both a physician and dentist became necessary. For these alleged injuries the assaulted party brought suit against his assaulter, Isaac Stern, to recover $5,000 damages. The trial of this cause was commenced before Judge Barrett and a jury in Supreme Court, Circuit, yesterday. The answer of the defending party is, in substance, a general denial of the assault; in other words, that though the plaintiff had been ejected from the store, no more force had been used in the act than was necessary for that purpose, and that the cause of his removal was his having become violent in the store. The cause is still on trial and will probably occupy several days.

THE CUSHING DIVORCE CASE.

In the old and now almost threadbare divorce suit of Cushing vs. Cushing (husband against wife), a motion was made before Judge Gilbert, in Supreme Court, Chambers, yesterday, for an additional allowance to be made to the wife to enable her to defend the action. The motion was opposed on the ground that $300 had already been paid in this direction; that the husband had more than he could do to meet the expenses of their two children, whom he was supporting; that the wife's conduct was such as to disentitle her to any further allowance in the case, and, from propositions made to the plaintiff, the inference had been drawn by him that her counsel was more interested in the money part of the case than was she. This was indignantly denied by counsel for the wife—so indignantly that Judge Gilbert was compelled to restrain the warmth of his oral denial and ask him to put it in the form of an affidavit. The Court took the papers, reserving decision, but intimating as its view that the wife was entitled to some pecuniary aid to defend a suit of this character, brought against her by her husband, irrespective of what might be the probable result of that suit.

SUMMARY OF LAW CASES.

A number of causes, about seventy-six in all, which have been for some time past pending in the Court of Common Pleas against the city, were discontinued yesterday. The suits had been brought for the purpose of vacating assessments.

Lewis Fox, convicted of fraudulent bankruptcy and who had been out on bail on a bond for $10,000 pending sentence, was yesterday rearrested, and again secured his freedom by giving bail in $15,000.

Max Runkle alleges that he was beaten and bruised by Henry Hassinger, and sustained injuries thereby to the extent of $2,000. To recover this sum he asks leave to commence a suit in the Supreme Court as a pauper, and had his application to that effect presented to the Court. Yesterday Judge Gilbert, in Supreme Court, Chambers, granted the application, directing that Runkle be permitted to bring suit without costs and assigning Mr. George Hussey to conduct the proceedings.

Henry King sued Ellis N. Crow to recover the possession of a carriage valued at $160. The plaintiff claimed the possession under a chattel mortgage from his son. The case came to trial before Judge Alker and a jury in the Marine Court yesterday, Mr J. H. Cornell appearing for the plaintiff and A. H. Reavey for the defendant. When the evidence for the plaintiff was all in, counsel for the defendant moved for a nonsuit because no demand had been made for the property and because plaintiff was not entitled to its possession, he not having proven any proceedings under the mortgage to obtain possession. The Court denied the motion, but allowed the plaintiff to save himself from defeat by withdrawing a juror and discontinuing the trial.

In the suit between Mary Jane Vaughan and her guardian, Patrick H. Hanlon, against John Hayes, a lawyer, already noticed in the HERALD, Judge Gilbert yesterday, upon motion of Thomas L. Feitner, plaintiff's attorney, appointed a receiver for the property in litigation, being three houses on Seventy-eighth street and Second avenue, and one house and lot on Seventy-third street and Second avenue. The affidavits of a notary public, a clergyman and a physician, with several others, set up that the father of the plaintiff, one Thomas Vaughan, was in an unconscious condition and utterly incapable of knowing what he was doing for about a week previous to his death, he having died the next day after the signing of the deed, which conveys all his estate to the defendant, John Hayes, which deed is the basis of litigation. The plaintiff moved to have the same set aside as fraudulent and void.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Gilbert.

Bernheimer vs. Willis.—Motion denied, with $10 costs.

Lorillard vs. Clyde.—Taxation affirmed.

Howes vs. Stenton.—Motion granted on payment of $10 costs. Judgment and other liens to stand as security.

Vaughan, &c., vs. Hayes.—Motions granted, with $10 costs. Order to be resettled.

Jones vs. Muller.—Defendant must appear and answer interrogatories.

Mann vs. Willoughby; Fuch vs. Fuch.—Granted.

Conover vs. Lloyd.—Motion denied. Memorandum.

SUPREME COURT—SPECIAL TERM.

By Judge Donohue.

Smith vs. Schulting.—Demurrer sustained. Opinion.

Callaghan vs. The Mayor, &c.—Judgment for plaintiff, with liberty to defendant to amend.

SUPERIOR COURT—SPECIAL TERM.

By Chief Justice Curtis.

Snow vs. Scott.—Preliminary injunction vacated, with costs to abide event. Memorandum.

By Judge Sanford.

Sturges vs. Foran et al.; Same vs. McManus.—Orders dismissing complaints as to defendants Foran and McManus.

Zurich vs. Cook; Sanderson vs. American National Life Insurance Company.—Ordered on day calendar for Monday, June 11, 1877.

Taylor vs. Fay et al.—Order reviving action.

Miller vs. Betts et al.—Order denying motion, without costs.

Smith et al. vs. Frost.—Remittitur filed; judgment affirmed.

Smith vs. Brensteel.—Order appointing Wyllys Hodges receiver, &c.

Smith et al. vs. Frost.—Order for payment of money on deposit in the United States Trust Company.

Moller vs. Duryee et al.—Order appointing Charles S. Moller receiver, &c.

SUPREME COURT—CIRCUIT—PART 1.

By Judge Donohue.

Hay vs. Koch.—All the exceptions allowed.

COMMON PLEAS—SPECIAL TERM.

By Judge Van Hoesen.

Jones vs. Darling; Wakeman vs. Rabenstein; Peter vs. Betz; Lavender vs. Engelhart; Knickerbocker vs. The Mayor; King vs. Disbrowe.—Orders granted.

Hell vs. Herzberg.—Motion for a new trial denied.

Woodward vs. Taylor.—Reference ordered.

Hueji vs. Providence and New York Steamship Company.—Application denied.

Zimmons vs. Murray.—Commission ordered.

MARINE COURT—CHAMBERS.

By Judge Goepp.

Peters vs. Dunn and another.—Motion denied, unless within ten days after service of this order defendant will pay plaintiff $10 costs of motion and file a bond in double the amount of the claim in the action, with two sufficient sureties, to be approved if acceded to by a justice of this Court on justification conditioned to pay the plaintiff any sum he may recover herein, in which case motion granted.

Tompkins vs. Ward.—Motion to dismiss complaint granted, with costs.

Bowers vs. Davis; Fox vs. Fiorentine.—Motions granted.

Grogan vs. McAvoy.—Motion to compel defendant to receive reply.

Jasper vs. Tryon.—Motion to direct defendant to appear for examination granted.

Gilbert vs. Regan Brothers.—Stay granted.

Allen vs. Binkley.—Proceedings dismissed.

Gillett vs. De La Mare.—Order directing defendant to file answer.

Ans vs. Wilson; Audres vs. Toone; Thrall vs. The Church Union Publishing Company; Snook vs. Byrne; Humphrey vs. Marley; Bach vs. Lowenstein; Pearce vs. Myerson; Appleget vs. Mackin; Rubin vs. The Brewers and Maltsters' Insurance Company; Case vs. Huffler; Wylie vs. Gibbs.—Orders granted, filed.

Pulsitz vs. Engelhard.—Motion granted.

Rouloff vs. Cavalier.—Judgment for plaintiff.

GENERAL SESSIONS—PART I.

Before Judge Sutherland.

OVERHAULED AT LAST.

A sickly looking young man named Frederick Levy was arraigned at the bar yesterday by Assistant District Attorney Rollins, charged under the following circumstances:—In the month of November, 1876, he engaged a room and board, for which he paid $5 a week in advance, at the house of Bridget White, corner of Baxter and Grand streets. In the absence of the landlady he ransacked her bedroom and made off with a gold chain and locket, a diamond ring and several other articles of jewelry, in all valued at $234. It would appear that the complainant was not the only one who had been made his victim, for on the trial yesterday several witnesses gave testimony as to his propensities for carrying off what did not belong to him. The prisoner denied his guilt, but the cross-examination by District Attorney Rollins dissipated all ideas on that score. Mr. William F. Howe made a pathetic address on behalf of the prisoner, who, however, was found guilty and remanded for sentence.

ALLEGED SEDUCTION.

Mr. William F. Kintzing moved yesterday that Edward Faulkner, a liquor dealer from Brooklyn, who is charged with seduction, be admitted to bail. Judge Sutherland granted the application and fixed the bail at $2,000.

PLEAS AND SENTENCES.

The following prisoners pleaded guilty and were thus disposed of:—A returned convict by the name of Peter Donnelly on the afternoon of May 27 burglariously entered the dwelling of Sarah A. Dowling, at No. 671 Eleventh avenue, and stole wearing apparel and jewelry of the value of $50. State Prison five years.

Michael Doherty, Andrew Honogan and Jeremiah Hogan, for forcibly entering the liquor store of Daniel Whelan, at No. 357 Pearl street, on the night of June 2, and stealing 400 cigars and two bottles of brandy, were sentenced to two and a half years' imprisonment.

John Richards, breaking into the rooms of Thomas Clifford, at No. 120 Eldridge street, on May 29, and stealing male and female wearing apparel of the value of $50. State Prison two years and six months.

GENERAL SESSIONS—PART II.

Before Judge Gildersleeve.

TOO MUCH RHINE WINE.

On the 21st of May last the cellar of Peter Mott, who is the proprietor of a lager beer garden at Eightieth street and avenue A, was broken into, the burglars carrying off two dozen bottles of Rhine wine and a keg of gum. The following morning, while Officer Loring was on patrol, he heard a sound of revelry in a vacant lot near Eightieth street, and, on proceeding to ascertain the cause, saw a number of boys with bottles in their hands having a good time generally. At his approach they all decamped, but on returning later he found the prisoners lying on the ground both in a state of intoxication. They failed to give a satisfactory account of themselves and were arrested, the burglary having meanwhile been discovered. The lads were placed on trial yesterday by Assistant District Attorney Lyon. The jury found them guilty of petit larceny, and they were sent to the Penitentiary each for the term of six months.

PLEAS AND SENTENCES.

James Falak, who snatched a box of neckties from a lad named Maurice Gintzing, as he was walking along Grand street on the 5th of May last, pleaded guilty to the charge preferred against him, and was sent to the State Prison for two years.

Joseph Harrington, of No. 247 avenue B, was arraigned at the bar charged with felonious assault. On the 31st of May he attacked Ann Sullivan with a dishpan and a knife, inflicting upon her severe injuries. The prisoner, who said he was drunk at the time, pleaded guilty. Two years and six months in the State Prison.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CHAMBERS—Held by Judge Gilbert.—Nos. 25, 90, 106, 123, 159, 167, 168, 179, 208, 246, 268, 269, 278, 281, 287, 290, 293, 297, 299.

SUPREME COURT—GENERAL TERM.—Adjourned until July 6, 1877.

SUPREME COURT—SPECIAL TERM—Held by Judge Donohue.—Demurrers—Nos. 3, 6, 10, 20, 22. Law and fact—Nos. 491, 523, 405, 463, 471, 105, 295, 184, 398, 422, 228, 180, 420, 427, 423, 155, 85, 447, 492, 493, 494, 498, 501, 503, 505, 508, 509, 510, 515, 519, 520, 524, 526, 528, 529, 531, 533, 534, 536, 539, 541, 191, 298.

SUPREME COURT—CIRCUIT—Part 1—Held by Judge Barrett.—Short causes—Nos. 4537, 3197, 4531, 4401, 4275, 3209, 2855, 5027, 4851, 4939, 4969, 4899, 4569, 5051, 4602, 4703, 4961, 5065, 3200, 4995. Part 2—Held by Judge Potter.—Short causes—Nos. 4768, 2168, 3962, 4196, 4892, 4948, 5068, 4900, 5096, 5070, 5098, 5072, 5042, 5058, 5084, 4924, 4272, 5052, 4842. Part 3—Held by Judge Van Brunt.—Short causes—Nos. 4949, 4294, 5093, 5051, 4615, 4433, 4398, 5055, 4935, 4953, 5041, 5099, 5101, 4937, 5057, 5071, 5059, 3889, 5085.

SUPERIOR COURT—GENERAL TERM—Adjourned until Monday, June 18.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Sanford.—Nos. 67, 14, 46, 11, 21, 53, 61, 68, 76, 79, 50. Demurrer—No. 7. Issues of fact—Nos. 10, 72, 75.

SUPERIOR COURT—TRIAL TERM—Part 1—Held by Judge Sedgwick.—Nos. 811, 672, 1150½, 930, 1291, 1214, 671, 1107, 766, 633, 244, 1011, 1029, 1060, 586, 1343, 122, 1233, 414, 124. Part 2—Held by Judge Curtis.—Nos. 422, 513, 552, 554, 541, 835, 679, 905, 908, 996, 929, 1152, 1144, 1145, 1194, 568, 790½, 757, 772, 1201, 1205, 1206, 1207, 1208, 1209, 822, 1212, 1213, 1215, 1216, 1217, 1218, 1219, 1220. Part 3—Held by Judge Speir.—Case on, No. 511. No day calendar.

COMMON PLEAS—GENERAL TERM.—Adjourned until Monday, June 18.

COMMON PLEAS—SPECIAL TERM.—Held by Judge Van Hoesen.—No day calendar.

COMMON PLEAS—TRIAL TERM—Part 1—Held by Judge Robinson.—Nos. 727, 1635, 362, 1251, 381, 766, 477, 1945, 270, 1135, 627. Part 2—Held by Judge Daly.—Nos. 143, 1127, 229, 1285, 1288. Part 3—Held by Judge J. F. Daly.—Nos. 1766, 1274, 1077, 1192.

MARINE COURT—TRIAL TERM—Part 1—Held by Judge Alker—Short causes—Nos. 9375, 9434, 9504, 8281, 9412, 9012, 9587, 9621, 9763, 9610, 9556, 9606, 9649, 9657, 9664, 9310, 8152, 8637, 9588, 8794, 9624, 9662, 9475, 8457, 9683, 9686, 9489, 9107, 9712. Part 2—Held by Judge Sheridan.—Nos. 9506, 9464, 9614, 9393, 9600, 9642, 8962, 9487, 9670, 9363, 9533, 9568, 9646, 9613, 9497, 9570, 9631, 9505, 2230, 8743, 9663, 9151, 9558, 8459, 9581, 8909, 9628, 7318, 9566, 9711. Part 3—Held by Judge Sinnott.—Short causes—Nos. 9398, 8059, 9471, 8528, 9602, 9562, 8318, 9557, 9605, 9630, 9648, 6385, 9622, 9122, 9230, 8803, 9011, 8120, 7938, 9513, 7185, 9665, 9626, 9480, 9481.

COURT OF GENERAL SESSIONS—Part I—Held by Judge Gildersleeve.—The People vs. Patrick Hattick, robbery; Same vs. Michael Tully, burglary; Same vs. Ernest Rowell, burglary; Same vs. Michael Mahoney, felonious assault and battery; Same vs. Thomas McDonald, felonious assault and battery; Same vs. John Gerrity, felonious assault and battery; Same vs. Thomas Quinn, felonious assault and battery; Same vs. Lawrence Kelly and John Flanigan, grand larceny; Same vs. Emma Jones and Mary Larkin, grand larceny; Same vs. Frank Kenry and Bernard Reed, grand larceny; Same vs. Jane Crane, grand larceny. Part 2—Held by Judge Sutherland.—The People vs. Philip J. Dunn, robbery; Same vs. Henry Hall, forgery; Same vs. Charles H. Mosel, forgery; Same vs. Patrick Hagan, grand larceny; Same vs. Thomas Murphy, grand larceny; Same vs. John L. Thompson, felonious assault and battery; Same vs. David Foley, felonious assault and battery; Same vs. —— Broderick, robbery.

SON AGAINST MOTHER.

The suit brought by Peter M. Fleckser against his mother, Elizabeth Fleckser, the particulars of which have been published in the HERALD, was tried yesterday in the Brooklyn City Court, Chambers, before Judge McCue. The action is brought to set aside a deed of conveyance of real estate, amounting in value to $40,000, which was made by the plaintiff to the defendant September 9, 1876. The father of Peter, who was a tobacconist, died September 3, last year, and left his property to his only child, the plaintiff. As the latter was dissipated at the time his mother, for the consideration of a merely nominal sum of money, persuaded Peter to give her a deed of the entire estate coming to him under the provisions of the will of his father. But the son claims that he reformed his habits soon after making the transfer of the property, and that he married an excellent young lady. He resided in one of the houses which had been left him, and a few months ago he was ordered to vacate the premises by his mother. This act caused him to demand from her a return of the deed which he had given her, but the request was not complied with, and hence the present suit. Several witnesses were examined, and the case was adjourned till this forenoon.

VERDICT AGAINST A SHERIFF.

A verdict of $2,484 was rendered against Sheriff Daggett, of Kings county, in the City Court before Judge Neilson yesterday, in favor of Hattie Carri, who sued for $2,400 due her by her absconding guardian, Jacob P. Carri. Carri had been ordered by the Surrogate to pay his ward $4,800. He paid but half that amount, and was arrested on an attachment and sent to jail. He was subsequently admitted to bail, and absconded from the State. Suit was then commenced against the Sheriff with the result set forth.

COURT OF APPEALS.

ALBANY, June 7, 1877.

In Court of Appeals, Thursday, June 7, 1877:—

No. 59. The People vs. Lord.—Argument resumed and concluded.

No. 43. Markley vs. Brewster.—Argued by W. C. Anthony for appellant, G. Hill for respondent.

No. 46. Curry vs. Powers (two cases).—Argued by J. A. Stull for appellant, J. B. Perkins for respondent. Proclamation made and Court adjourned.

CALENDAR.

The day calendar of the Court of Appeals for Friday, June 8, 1877, is as follows:—Nos. 40, 42, 56, 58, 66, 67, 287, 68.

UNITED STATES SUPREME COURT.

DECISIONS.

WASHINGTON, June 7, 1877.

The following decisions have been rendered in the Supreme Court of the United States:—

SALE OF PROPERTY BY LEGAL PROCESS—BY WHAT LAW CONTROLLED—SECRET LIENS.

No. 157. Robert G. Hervey and Paris and Decatur Railroad Company, plaintiffs in error, vs. The Rhode Island Locomotive Works, in error to the Circuit Court of the United States for the Southern District of Illinois.—It was decided by this Court, in Green vs. Van Buskirk (5 Wallace, 307, 7 Wallace, 139), that the liability of property to be sold under legal process issuing from the courts of the State where it is situated must be determined by the law there rather than that of the jurisdiction where the owner lives. These decisions rest on the ground that every State has the right to regulate the transfer of property within its limits, and that whoever sends property to it impliedly submits to the regulation concerning its transfer in force there, although a different rule of transfer prevails in the jurisdiction where he resides. He has no absolute right to have the transfer of property, lawful in that jurisdiction, respected in the courts of the State where it is located, and it is only on a principle of comity that it is ever allowed. But this principle yields when the laws and policy of the latter conflict with the former. The policy of the law in Illinois will not permit the owner of personal property to sell it, either absolutely or conditionally, and still continue in possession of it. As possession is one of the strongest evidences of title to this class of property it is not allowable to separate the possession from the title except in the manner pointed out by statute. To suffer real ownership to be in one person and the ostensible ownership in another, without notice to the world, the courts of Illinois say, give a false credit to the latter, and in this way works an injury to third persons. Accordingly the real owner of personal property creating an interest in another, to whom it is delivered, if desirous of preserving a lien on it, must comply with the requirements of the Chattel Mortgage act. (R. S. Illinois, 1874, chap. 95, pp. 711-12.) This act requires that the instrument of conveyance, if it have the effect to preserve a mortgage or lien on the property, must be recorded, whether the party to it be a resident or non-resident of the State. If this be not done there is no validity to the instrument so far as third persons are concerned. Secret liens which treat the vender of personal property, who has sold it and delivered possession of it to the purchaser, as the owner until the payment of the purchase money, cannot be maintained in Illinois. They are held to be constructively fraudulent as to creditors, and the property, so far as their rights are concerned, is considered as belonging to the purchaser holding the possession. (McCormick vs. Hadden, 37 Illinois, 370; Ketchum vs. Watson, 24 Illinois, 591.) Nor is the transaction changed by the agreement assuming the form of a lease. Courts will always look to the purpose to be attained by the contract rather than the name given to it by the parties, in order to determine its real character. If that purpose be to give the vender a lien on the property until payment in full of the purchase money it is liable to be defeated by creditors of the purchaser who is in possession of it. This was held in Murch vs. Wright (46 Illinois, 489.) In that case the purchaser took from the seller a piano at the price of $700. He paid $50 down, which was called rent for the first month, and was to pay $50 each month as rent until the whole amount was paid, when he was to own the piano. The Court say "that it was a mere subterfuge to call this transaction a lease," and held that it was a conditional sale, with the right of recission on the part of the vender, in case the purchaser should fail in payment of his instalments; a contract legal and valid as between the parties, but made with the risk on the part of the vender of losing his lien, in case the property should be levied upon by the creditors of the purchaser while in possession of the latter. The case at the bar is like this in all essential particulars. The engine Smyser is the only subject of controversy in this suit, and that was sold on condition that each and all of the instalments should be regularly paid, with a right of rescission on the part of the vender in case of default in any of the specified payments. The locomotive company took the risk of losing their lien in case the property should be levied on by the creditors of Conant & Co. while in the possession of the latter, and they cannot complain, as the laws of the State pointed out the way to preserve and perfect it. Reversed as to the engine Smyser and affirmed as to the other. Mr. Justice Davis delivered the opinion.

OFFICE RESIGNATION VACANCY.

406. Chester Badger, Charles E. Ives et al., constituting the Board of Auditors of the town of Amboy, plaintiffs in error, vs. The United States ex rel. Matthew Bolles and M. Shepard Bolles—In error to the Circuit Court of the United States for the Northern district of Illinois.—The relators filed their petition for a mandamus against Badger and Ives and others, supervisor, town clerk and justices of the town of Amboy, alleging the recovery of two judgments by them against that town; that the supervisor, town clerk and three justices of the peace constituted a board of auditors, whose duty it was to audit and examine town accounts; that a sworn statement of the judgments was presented to the Board, but they refused to audit the same; that three of the persons named pretended to resign their offices, and would not perform the duties of the same, but that no other persons have been appointed or elected to succeed them; that the others refused to act or to associate with them the collector and assessor; that by reason of the acts of the parties the petitioners have been unable to have taxes collected for the payment of their debt; that no provision had been made for its payment, and they pray that a mandamus may be awarded to compel the auditing of their judgments. The defendants admit the resignation stated, and allege that they were accepted by the justices of the town, and that notice thereof was given to the town clerk, who made a minute of the same upon the records of the town, whereby, as they insist, they ceased to be officers of the town. The answer contains much other matter to which it is not necessary to refer. None of it, in our judgment, requires consideration except that part which raises the point of the legality of the resignation of the parties named. If those persons had ceased to be officers of the town when the mandamus issued there may be difficulty in maintaining the order awarding a peremptory mandamus against them. If they were then such officers the case presents no difficulty. The alleged resignations of the supervisor and town clerk were accepted by the justices of the town, but their successors had not been qualified, nor, indeed, had they been chosen when the petition was filed. As to a supervisor, town clerk or justice of the peace of the State of Illinois does he cease to be an officer when his resignation is tendered to and accepted by a justice of the peace, or does he continue in office until his successor is chosen and qualified? By the common law as well as by the statutes of the United States, when the term of office to which one is elected or appointed expires his power to perform its duties ceases. (People vs. Tilman, 8th Abb. P. R., 359; Barb., 193.) This is the general rule. The term of office of the District Attorney of the United States for a particular State is fixed by statute at four years. When this four years comes round his right or power to perform the duties of the office is at an end, as completely as if he never held the office. (Rev. Stat., U. S., sec. 769.) A judge of the Court of Appeals of the State of New York or a justice of the Supreme Court is elected for a term of fourteen years and takes his seat on the 1st day of January following his election. When the fourteenth January thereafter is reached he ceases to be a judicial officer and can perform no one duty pertaining to the office. Whether a successor has been elected or whether he has qualified does not enter into the question. As to certain town officers the rule is different. (1 R. S., N. Y., 340, sec. 30.) The system of the State of Illinois seems to be organized upon a different principle. Thus the Supreme Court consists of seven judges, who are required to possess certain qualifications of age and of residence, and who are elected for the term of nine years—(Code of Illinois, 1874, pp. 69, 70)—at which time it is provided that the "term of office shall expire." Circuit judges in like manner are elected for a term of six years and county judges and others for four years, all to hold until their successors shall be qualified. The decision is that where officers holding under such laws attempt to resign they must resign de jure as well as de facto, and that when such are called upon to perform duties after their resignation and before their successors have qualified they must act. There is no vacancy in such a case. Affirmed. Mr. Justice Hunt delivered the opinion.

FORFEITURE EVIDENCE.

No. 147. One hundred and ninety-nine barrels of whiskey, Charles Andre, claimant, appellant, vs. The United States—Appeal from the Circuit Court of the United States for the Eastern District of Texas.—This was a libel against 199 barrels of distilled spirits seized at Galveston, Texas, March 18, 1867, as forfeited to the United States. The causes of forfeiture alleged are:—1. That the spirits, being subject to the payment of internal revenue tax, were removed otherwise than into a bonded warehouse without the payment of the tax. 2. That no lawful or genuine inspector's brand was ever put upon them, and they were removed for sale in fraud of the law and with intent to evade the payment of the taxes thereon chargeable by law, and were fraudulently and illegally marked and branded. 3. That said barrels of distilled spirits, when found and seized by the Collector of Internal Revenue, had never been inspected, gauged, proved or marked, as required by law, and were fraudulently and illegally marked and branded. To this libel a claim and answer were filed by Charles Andre, a resident of Matamoros, Mexico, in which he alleged that all the requirements of the laws of the United States relating to the spirits had been complied with previous to the seizure; that they had been duly proved and marked, gauged and inspected, and the barrels properly branded by the lawful officers of the United States, duly appointed for that purpose, and that all taxes required by law had been paid thereon. He also stated that he purchased the spirits in open market at Matamoros, Mexico, in the regular course of business, between the 1st and 12th February, 1867; that the same having been delivered to him in Mexico he applied to the United States collector of duties for the district of Brazos de Santiago for permission to import them in the packages as purchased, which permission was granted; that he accordingly transported them from Matamoros to Brownsville, entered them at the Custom House of that district and, by bond, secured the duties thereon according to law, and that he secured from the proper officers of the Custom House the usual certificate given in such cases and sent the spirits forward to Indianola and Galveston for a market. The evidence produced by the claimant shows that he entered the spirits at the Custom House upon his importation as of the growth, production and manufacture of the United States, exported on board of certain vessels named, from New York and New Orleans, upon which no drawback, bounty or allowance had been allowed, and reimported from Matamoros, Mexico, free; that he executed a bond to the United States for the sum of $73,000, with approved sureties, "conditioned that proper certificates to show that the articles were manufactured in the United States and all taxes paid thereon, would be produced within six months thereafter, or that he would pay the customary Custom House duties required upon such articles of foreign manufacture;" that thereupon the proper landing certificate was issued and the spirits were transferred from the ferryboat in which they had been imported to the schooner Island Belle for transportation to Indianola and Galveston. The evidence offered in support of the libel shows that Andre purchased the spirits at Matamoros at the price of fifty-five cents per gallon; that they were shipped from New Orleans to Matamoros June 20, 1866, on the British schooner Village Belle, and after being duly entered at the Custom House at Matamoros were landed at that port. The District Attorney of the United States then offered in evidence sworn examined copies of the original entry of the spirits by Andre at the Brownsville Custom House, together with sworn and examined copies of the bond given by Andre, and also of the certificates of the collectors of the ports of New York and New Orleans, upon which the bond was cancelled, and proved that the originals of the entry, bond and certificates were on file at the Custom House in Brownsville, more than a hundred miles distant from Galveston. To the introduction of such copies Andre objected, but they were admitted. The certificates showed shipments from New York to Matamoros, with no record of drawbacks. The inspection marks were, many of them, so defaced as to be illegible. The decision below was that there should be a forfeiture, and the decree is here affirmed, the Court finding the evidence sufficient and properly admitted. The Chief Justice delivered the opinion.

EJECTMENT EXCEPTION—DUTY OF THE COURT.

No. 50. Thomas Beaver, plaintiff in error, vs. S. Staats Taylor and Miles A. Gilbert—In error to the Circuit Court of the United States for the Southern District of Illinois.—This action was for an ejectment to recover an undivided interest in certain lands situate in Cairo, Ill. The defence was actual possession under claim and color of title for seven successive years and payment during that period of all taxes legally assessed upon the premises claimed. (Rev. Stat. of Ill., 1874, p. 674.) Evidence was given sustaining the defence, and a verdict by the jury was rendered in favor of the defendants. Before the case was submitted to the jury the plaintiff requested the Court to charge as set forth by him in eight several propositions. The Court declined to charge as requested, but charged in its own language and fully upon the case as presented by the evidence. The plaintiff excepted to the refusal of the Court and excepted also "to so much of the charge of the Court as given as was in conflict with and variant from the several propositions" presented by him. It is upon this presentation of the case that this Court is asked to reverse the judgment entered upon the verdict. 1. The entire series of propositions was presented as one request, and if any one proposition was unsound an exception to a refusal to charge the series cannot be maintained. (11 N. Y. R., 416, 6 ib., 233; 7 ib., 236.) All of the propositions presented were not sound; notably the fifth request could not be complied with. 2. If the entire charge of the Court is excepted to, or a series of propositions contained in it is excepted to in gross, and any portion thus excepted to is sound, the exception cannot be sustained. (Rogers vs. The Marshal, 1 Wall., 644; Harvey vs. Tyler, 2 ib., 328; 5 Denio, 213; Jones vs. Osgood, 2 Seldon, 233; Caldwell vs. Murphy, 11 N. Y. R., 416; Walsh vs. Kelly, 40 ib., 556.) The charge before us was confessedly sound in the most of its points. 3. An exception to such portions of a charge as are variant from the requests made by a party not pointing out the variances cannot be sustained. (40 N. Y., 556; 45 ib., 129; 47 ib., 570.) It is not the duty of a judge at the Circuit Court or of an appellate court to analyze and compare the requests and the charge to discover what are the portions thus excepted to. One object of an exception is to call the attention of the Circuit Judge to the precise point as to which it is supposed he has erred, that he may then and there consider it and give new and different instructions to the jury, if in his judgment it should be proper to do so. (Ayrault vs. The Pacific Board, 47 U. T. R., 576.) An exception in the form we are considering entirely defeats that object. For these three reasons the bill of exceptions fails to present any point that we can consider. We are also of the opinion, upon an examination of the record, that the case was well submitted to the jury, and that the plaintiff has no just ground of complaint. Affirmed. Mr. Justice Hunt delivered the opinion.

REAL ESTATE.

The most exciting feature of the real estate market yesterday was the sale in partition of a large number of lots belonging to the estate of the late Ernest Keyser. Many of the heirs were present, as well as well-known real estate brokers, and the sale lasted two hours. The prices realized were very low, considering that the property is in one of the best neighborhoods overlooking the East River and convenient to cars and Harlem River steamboats. Twenty-one of the forty-eight lots offered were withdrawn for want of bidders.

BY R. V. HARNETT.

Superior Court foreclosure sale—G. M. Spier, referee—of one lot, 25x100.4, on West 59th st., n. s., 400 ft. w. of 9th av.; to C. R. Parfitt, plaintiff	$7,185

BY JOHN T. BOYD.

Supreme Court foreclosure sale—John E. Risley, referee—of the two houses, with lot 25x100, Nos. 86 and 88 Sheriff st., e. s., between Rivington and Stanton sts., one to Conrad Miller for $8,675, the other to J. O. Snyder, plaintiff, for $10,000	18,675

BY E. H. LUDLOW AND CO.

Superior Court foreclosure sale—S. M. Morehouse, referee—of the building, with lot 27.11x118.9x24.10x104.3, No. 575 Grand st., s. s., near Madison st., extending through to No. 309 Monroe st., to Susan M. C. Livingston, plaintiff	9,500

BY A. H. MULLER AND SON.

A public auction sale of the three story brick house, with lot 16.8x92, No. 443 West 18th st., n. s., between 9th and 10th avs., to W. Ingersoll	4,450

BY BLACKWELL AND BIKER.

Partition sale of the following property for the heirs of Earnest Keyser:—

Two lots, 100x25, s. w. corner of 80th st. and 1st av., to Patrick Bagen	$8,000
Two lots, immediately s. of above, same size, with a two story basement and attic frame house, to Patrick Bagen	8,000
Two lots, immediately s. of above, same size, to A. M. Brown	5,800
Four lots, n. w. corner 1st av. and 80th st., 25x100.8½, to Charles Pegg, $3,600 each	14,400
Two lots, n. e. corner 1st av. and 80th st., 25.2½x96, to Daniel Owens	7,950
Three lots on 80th st., s. s., midway between 1st av. and Eastern Boulevard, each 24.3x102.2, to Timothy Donavan	8,850
One lot, same size, immediately e. of above, to Patrick Myer	2,950
One lot, immediately e. of above (same size), to Timothy Donovan	2,940
Three lots on 84th st., 119 ft. w. of Eastern Boulevard, n. s. each 25x102.2, to J. Romain Brown	7,230
A three story and basement brick house, with two lots, each 102x25, immediately w. of above, to J. Romain Brown	7,300
Three lots, same size, immediately w. of above, to J. Romain Brown	6,300
Total sales for the day	$119,520

TRANSFERS.

17th st., s. s., 175 ft. e. of 10th av., 23.11x92; Lucinda M. A. Campbell and husband to F. H. Lyon	Nom.
58th st., s. s., 375 ft. w. of 9th av., 25x100.5; William A. Cauldwell and wife to Carl Beck	$6,250
58th st., s. s., 400 ft. w. of 9th av., 25x100.5; same to same	6,250
13th st., n. s., 355 ft. e. of 2d av., 23x103.3; Francis Lile and wife to George Schuster	Nom.
1st st., s. s., 219.7 ft. e. of 2d av., 25.1x77.2; same to same	Nom.
1st st., s. s. (No. 53); Richard H. Guther and wife to M. Riedemann	20,500
3d av., s. w. corner of Henry st., 50x82.6 (23d ward); A. Gabriel and wife to S. Niewenhous	10,000
Vermilyea av., s. s., 100 ft. e. of Dyckman st., 150x200; George N. Hopper to H. M. Reed	Nom.
Valentine av., e. s., 200 ft. n. of Clark st., 333.6x101.2; Wesley Lyon to P. H. F. Wiedersum	Nom.
10th av., w. s., 100.5 ft. n. of 57th st., 25x100; Mary L. Stafford and husband to Thomas Stillman	Nom.
2d av., e. s., 82 ft. n. of 39th st., 16.8x100; R. Jaffrey and wife to M. Donohoe	8,250
1st av., e. s., 53 ft. n. of 14th st., 25.6x66; Joseph Rose and wife to James Hamill	15,000
1st st., s. s., 319.7 ft. e. of 2d av., 25.1x77.2; George Schuster and wife to Sophie Eile	Nom.
13th st., n. s., 355 ft. e. of 2d av., 23x103.3; same to same	Nom.
Cherry st., n. s., 150 ft. w. of Jackson st., 25x97.4; Peter H. Walsh and wife to James Meehan	7,000
Milton st., n. s., 100 ft. e. of Cortlandt av., 50x100 (23d ward); J. E. Wright to E. Daberkow	Nom.
Grand st., s. e. corner Bowery, 75x50; E. Philip (executor) to Sylvester Brush	110,500
20th st., n. s., 176.4 ft. w. of 1st av., 15.3x92; A. B. Tappan (referee) to J. A. Murdock	6,000
104th st., n. s., 150 ft. w. of 3d av., 25x100.11; H. J. Forker (referee) to E. Baldwin	2,000
28th st., s. s., 145 ft. e. of 4th av., 20x98.9; W. C. Tappan (referee) to A. Fulton	22,000
7th av., n. e. corner 112th st., 461 2x239 10; B. C. Chetwood (referee) to A. Belmont	50,000
14th st., n. s., 216 ft. e. of av. A, 25x103.3; F. W. Loew (referee) to C. Spiess	14,250
Sheriff st., e. s., 81.9 ft. n. of Rivington st., 18.3x75; R. Merchant (referee) to A. Alt	3,500

MORTGAGES.

Brush, Sylvester, to Seamen's Savings Bank, s. e. corner of Grand and Bowery; 1 year	55,000
Hoffman, Emma B. and husband, to George M. Miller, s. s. of 22d st., w. of 5th av.; 3 years	4,000
Forsch, John and wife, to Jacob Deboben, e. s. of 10th av., s. of 51st st.; 3 years	4,000
McAllister, Ward and wife, to Wm. H. Gibbons, No. 52 Beekman st.; 5 years	8,500
Martin, Catharine and husband, to Eliza Stewart, No. 378 Grand st	—
Monheimer, Emma V., to L. Dreyfous, n. s. of 31st st., w. of 2d av.; 3 years	3,500
Packhafer, Claus and wife, to D. Nahrenberg, No. 283 Church st.; due	8,000
Totten, Emma A., to E. F. R. Aymar, e. s. of 10th av., n. of 38th st.; 5 years	10,000
Beck, Carl, to Wm. A. Cauldwell, s. s. of 58th st., w. of 9th av.; 5 years	6,250
Farley, Patrick and wife, to F. McCabe, s. s. of 71st st., e. of av. A; 4 years	5,000
Same to same, s. s. of 63d st., e. of 4th av.; 4 years	1,500
Same to same, s. s. of 70th st., e. of 2d av.; 4 years	5,000
Same to same, n. s. of 60th st., w. of 10th av.; 4 years	8,000
Gustaveson, Edward, to G. B. Whitfield, n. s. of 142d st., w. of 3d av. (23d ward); 5 years	2,000
Same to same, n. s. of 142d st., w. of 3d av. (23d ward); 5 years	2,000
Same to same, n. s. of 142d st., e. of College av. (23d ward); 5 years	2,500
Same to same, n. s. of 142d st. (23d ward); 5 years	2,500
Kane, Michael and wife, to John Ryan, n. s. of 30th st., between 2d and 3d avs.; 3 years	11,707
Lawlor, Francis and wife, to Emigrant Industrial Savings Bank, w. s. of 10th av., s. of 131st st.; 1 year	1,000

A VETERAN ROBBED.

Charles Donnelly, a one-armed veteran of the late war, drew his pension on Wednesday, amounting to $40, and went to the foot of Christopher street to hire a rowboat to go to Hoboken. The man to whom he applied was John Drennan. He did not go in the boat, however, because he did not like Drennan's looks. Drennan followed him when he left and pulled him off a car and after beating him about the head and face robbed him of his pension money. Drennan was committed in $2,000 bail to answer.

FOURTH OF JULY PYROTECHNICS.

THE GREAT LOSSES THAT HAVE OCCURRED—CAN THEY BE AVERTED?—THE ACTION OF THE BOARD OF UNDERWRITERS—STARTLING STATISTICS.

It is beginning to be understood by even the little folks that more than usually stringent regulations will be enforced on the Fourth of July with reference to the manner in which the day shall be celebrated. The discussion of the question of danger resulting from a promiscuous use of fireworks by the insurance people; the presentation of such startling facts as that the loss by two conflagrations alone, traceable directly to firecrackers, amounts to upward of $15,000,000, and the earnest endeavor of the HERALD to impress on the public mind the importance of localizing within given bounds the pleasures of the day, have directed unusual attention to the fact that in the carelessness which has attended the celebration of our national anniversary we have already paid dearly for the whistle. It is said to be a not extravagant statement that every dollar's worth of firecrackers imported occasions a direct loss by fire of more than $100. Yet a singular fact in this connection is that while last year was the centenary of American independence the loss was less than during many of the preceding anniversaries. A reporter of the HERALD, asking the reason for this result, was informed by one of the prominent members of the Board of Underwriters that it was due to the precautions taken by that organization in suggesting through its various agencies and ramifications that extraordinary care should be observed by the authorities of the respective cities in protecting property and limiting to a reasonable degree the use of pyrotechnics. It is from this cause that many cities and the towns of lesser importance passed ordinances of a prohibitory character, while the police were more than ever put on the alert.

FACTS WORTH REMEMBERING.

Notwithstanding these precautions, however, the loss by Chinese firecrackers on one day only of the year 1876 amounted to twenty-five per cent of the value of the total invoice of 1875. On 123 premises the loss was $73,204, due to fireworks; on 119 premises the loss was $48,127, due to firecrackers, and on five premises the loss was $33,242, due to mere gun wads, making a grand total of $154,574 from fireworks and firecrackers. Can arguments go beyond the eloquence of these figures in demonstrating the necessity of some change, some new method whereby youthful patriotism shall not be at liberty to set ablaze the property of the people and endanger their lives? Returns from chief engineers show a total loss of $240,979 in 850 cities and towns, and the chiefs of police report in 771 cities and towns thirty-four fatal casualties and 545 accidents, serious and otherwise. The number of cities and towns that already recommend ordinances against fireworks is 567. Those which do not number 124, and those which suspend the ordinances on public days are forty-eight. The number which have such ordinances is 250, and those which have not 152.

ACTION OF THE UNDERWRITERS.

The Board of Fire Underwriters has already invoked the aid of Congress in this important matter, but as Congress can do nothing until the next session it behooves the authorities of our great cities to act independently of national action and for their own good. If immoral books or infected cattle are a nuisance surely the importation of firecrackers should come within the same category. If serpents, squibs, chasers, Roman candles and rockets can inflict injury by reason of the fact that they cannot be regulated after their discharge, but fly about in any direction, are they not as dangerous as an epidemic that could cause the same evil? If crime showed the same results; if incendiaries broke loose in a similar mass; if men or boys went around with pistols in their hands mutilating hundreds of people in our cities and towns, would not every fair minded citizen, covering for the moment his sense of patriotism with the mantle of justice, demand that something should be done to avert and cure the evil? And this is simply the attitude of the HERALD. The protection of life, person and property should be superior to all considerations of mere pleasure.

WHAT THE SUPERINTENDENT OF POLICE SAYS.

Our Superintendent of Police says that the ordinance of the city on the subject is already sufficiently ample, but that it cannot be enforced unless every father or guardian of a boy unites with the police in the work of stopping the miscellaneous use of the dangerous missiles. A dozen little ragamuffins will seize days in advance of the Fourth of July every stick and empty barrel on which they can lay their hands, and store them away to make a patriotic bonfire, which, once fairly aglow, is kicked into a thousand shapes and dangerous fragments. Children place guards to watch the coming "cop," and after setting off their pack of crackers or bluelights will dash into the nearest alley or doorway, where detection is impossible by the shrewdest of policemen. Men and boys of the larger growth mount to housetops and send up fire in every form from that locality, and how, argues the Chief, is it to be prevented? He proposes to instruct the force, however, to exercise unusual vigilance in the matter, and, doubtless, to a certain extent a check will be put on the ambitious aspirations of Young America to make its anniversary noise.

ALDERMAN MORRIS.

A conversation was also had with Alderman Morris, who had no hesitation in saying that he believed, so far as New York was concerned, certain safeguards should surround the celebration of Independence Day. Since the discussion of the subject in the HERALD he had taken occasion to examine statistics, and had discovered that the 5th and 6th of July were days replete with trouble. The doctors always found ample business in dressing small wounds, while firemen were usually engaged in reckoning up their extraordinary runs. If the matter was properly brought to the attention of the Board of Aldermen he should be foremost among the advocates of a measure that would secure to the city the quiet and safety that ought to be observed in a great metropolis even on a day of rejoicing.

ALDERMAN KEENAN.

Alderman Keenan was likewise exceedingly frank, saying that while he could not forget he was once a boy himself, and desired to see all the little fellows enjoy themselves to the top of their bent, in view of the facts that vast interests were at stake; that great danger resulted from the use of fire by the children; that it was impossible for the police to oversee and direct the vast multitude engaged in the celebration of the Fourth, and that a change was evidently coming over the public mind with reference to the manner in which the day should be celebrated, he would, as a representative of a large constituency, be glad to see adopted some restrictive measures affording general protection. The matter, however, had not been officially brought to the attention of the Board, and until then he did not think that definite action would be taken.

Several other Aldermen with whom the reporter conversed used the thoughts above expressed, and it is evident that it is only necessary that there shall be combined and influential action to secure a Fourth of July in the metropolis when the celebration will be free from the noise, annoyance and danger that have so often marked the day.

FACTS AND FIGURES.

The results of an examination of the record of casualties occurring on the Fourth of July for a number of years are as follows:—

Year.	Wounds.	Fires.	Year.	Wounds.	Fires.
1867	11	16	1872	18	—
1868	15	3	1873	23	21
1869	17	16	1874	15	29
1870	17	17	1875	23	1
1871	17	7	1876	32	63

The foregoing table only presents a list of accidents and fires reported in the HERALD. Of the former a large number of the sufferers, it is safe to say, died from their injuries subsequently. Police records during ten years show that 110 persons were accidentally shot on the Fourth of July, 60 badly injured by fireworks and 7 persons were killed outright. Of fires caused by careless use of firecrackers there were 180. How many of the burned and maimed victims of these accidents died of their wounds in hospital will never be known.

THE BOARD OF UNDERWRITERS AND THE MAYOR.

That the subject is already assuming definite shape among those who have at heart the welfare of the public will be inferred from the fact that the Mayor has received a communication from the Board of Underwriters pressing the recommendation of an ordinance that shall prohibit the use of fireworks on the Fourth under a penalty of $5, and of $2 for the sale of the same.

The Fire Underwriters assert "that the use of firecrackers and such classes of fireworks as cannot be controlled when discharged—serpents, squibs and chasers—should be prohibited, and that the most stringent laws regulating the sale and use of fireworks of all kinds should be made and enforced in all cities and towns where indemnity against loss by fire is asked for by its citizens. As such laws are local we beg to ask your attention to the matter in your city, and such influence as you may deem advisable, looking toward the proper restriction of their sale and use on the coming national festival day, thereby preventing serious accidents to life and property."

THE PROPOSED ORDINANCE.

The proposed ordinance is as follows:—

No person shall cast, throw or fire any squib, rocket, cracker, torpedo, grenade or other combustible fireworks or explosive preparation, within the city; and every person, for every such offence, shall forfeit and pay a sum not exceeding $5.

It shall not be lawful for any person or persons to sell or offer for sale within the limits of the city any crackers, squibs, rockets or other combustible fireworks; provided, however, that this section shall not apply to the sale of any such article when sold in the original package as imported, and every offender against any of the provisions of this section shall pay for each and every offence $2.

It shall not be lawful for any person or persons to manufacture, within the limits of the city, any crackers, squibs, rockets or any other combustible fireworks, and every offender against the provisions of this section shall forfeit and pay the sum of $20 for each and every offence.

THE SUGGESTIONS OF A PYROTECHNIST.

A gentleman who is well known in connection with the business of manufacturing fireworks writes as follows:—

"I have read with approval the several articles in the HERALD referring to the manner in which the coming Fourth of July shall be celebrated. While it is a fact that if the views you suggest are carried out it will largely detract from the profits of practical pyrotechnists and dealers in fireworks, it is not less true that there are certain things such as hoppers, serpents, chasers, pistols and cannon, the use of which is positively dangerous and ought to be prohibited. A fine ought also to be imposed on any person who imports Chinese firecrackers, which I regard as even more dangerous to property, because they leave a great deal of paper after being fired that remains ignited until the débris is consumed. I believe that the manufacturers of fireworks will generally coincide in my views, and agree hereafter to remove these dangerous articles from their lists. During the present year, however, it would be a great hardship to manufacturers, jobbers and dealers who have large lots of goods on hand to be compelled to stop the sale of them on and before the approaching Fourth of July."

The subjoined communication from a citizen has been received:—

To THE EDITOR OF THE HERALD:—

As one of the subscribers of your paper for many years and a property owner, I would respectfully suggest that the corporation of this city pass an ordinance forbidding the use of firecrackers, squibs, &c., under the penalty of $5 for each and every offence, the fine to go to the police charity or retiring fund. This would keep the police on the alert and cause them to arrest the offenders, and also produce among them a rivalry to see who could make the most arrests and increase the fund. A PROPERTY HOLDER.

OCTOGENARIAN PENSIONERS.

The pension agent in this city has within the past four days paid 3,900 pensioners, aggregating $110,000—the largest payment ever made.

There are but one or two relics of the Revolutionary war remaining on the payrolls in this district, and the number of the veterans of 1812 is diminishing rapidly. Altogether there are some 8,000 pensioners in the district drawing all the way from $6 to $50 per quarter.

LIST OF VETERANS.

The following is a list of some of the pensioners whose ages are above eighty years:—

William Tway, aged eighty-two; No. 168 Wilson street, Brooklyn. Wounded with General Scott, who was then Lieutenant Colonel, when he was captured with our troops at Queenstown, in 1814. Served in Canada, and was once nearly assassinated by an Indian chief, when a British officer drew his sabre and smote the savage. This occurred at Fort Erie. When the city of Washington was captured by the British he again volunteered. Tway's health is still very good. He is strong and of robust frame.

Ebenezer Loud, aged eighty-two, resides at No. 205 East Twenty-ninth street. Was with Lawrence, on the Chesapeake, and was wounded.

R. C. Vreeland, ninety years, resides on Staten Island. Served in the army.

Frederick A. Bargeman, aged eighty-two. Served during the whole war in the State Fencibles.

John Allen, aged eighty-seven years. John Allen, aged ninety-two years; resides at No 92 Hester street; served at Sandy Hook. Platt Adams, aged eighty-seven years. James R. Gibson, aged eighty-six years. Thomas Blank, aged eighty-three years. Elijah P. Jenks, aged seventy-six years. Major Charles K. Crowley, aged ninety years; resides at No. 21 Suffolk street; entered the army in 1809. Thomas Parker, aged eighty-seven years; resides in 124th street; served in New York and on the islands in the harbor. Charles Oakly, aged eighty-nine years last April; resides at No. 251 West Twenty-second street; served in the city and county; was drafted after his second year's service. John C. Bliss, aged eighty-two years; served his full time from 1812. W. Tompkins, aged eighty-three years; served from 1812; had command of the powder house and magazine. Jacob Van Nostrand, aged eighty-five years; served in the Eleventh artillery, in the fort foot of Hubert street, North River; also in Fort Castle Garden, and in a fort erected by themselves at the foot of Macdougal street. John W. Timson, aged eighty-five years; resides at No. 185 Delancey street. John D. Clute, aged eighty-four years; resides at No. 84 Park avenue. Edward Hall, aged eighty-eight years; resides at No. 202 West Thirty-fourth street. Ezra Mead, aged eighty-six years, and James Spencer, aged eighty-four years; reside on Staten Island. Isaac M. Phyle, aged eighty-one years; resides at No. 106 Broadway. David Lopes, aged eighty-nine years; resides at Englishtown, N. J. Nicholas Van Name, aged eighty-two years; Joseph Gonge, aged eighty-two years; Thomas Bloomer, aged eighty-two years. Morris Duey, aged ninety-seven years, resides at 125th street, between Second and Third avenues; married recently. Served in the Pennsylvania Volunteers. Had both arms shot off close to the shoulder. Receives $150 per quarter.

THURLOW WEED AND JOHN A. DIX.

Major General John A. Dix and Thurlow Weed regularly draw their pensions of $8 per month as privates in the war of 1812.

STOLEN RENTES.

Messrs. Rutten & Bonn, bankers, of this city, are in receipt of a telegram from Europe cautioning them against the purchase of certain stolen rentes. The amount stolen is 970,000f. The name of the firm from which the rentes were stolen is kept a secret, as the publication might affect its credit.

THE FOUL PASSAIC.

THE GREAT MORTALITY OF FISH STILL A MYSTERY.

[From the Newark Register.]

The dying fish are evidences of the foulness of the stream. It is not disputed that the wastes from factories and gas works, the sewage and refuse which flow directly to the river, besides other filth thrown therein, make the water unpleasant to the taste and unhealthy to the system; but those causes do not operate in the streams which form the source of the river. Above the factories, and beyond the influence of the tide, thousands of fish are dead, and as they lie rotting, exposed to the heat of the summer's sun, will not any person admit that the water which will flow down after the freshet will be even more impure and unfit for use? Our correspondent thinks the cause of the death of so many hundreds of fish to be an alkali generated in the grass and weeds. Above the Passaic Falls, and around Passaic, Whippany, Rockaway and Pompton the fish are dying by hundreds and floating down. There is disease in the water there. Pickerel and whitefish are lying dead along the shore.

There can be little doubt that the water which we are compelled to drink and use for culinary purposes is so impure as to be dangerously unhealthy. It is not disputed that the city should have its water supply from a better and purer source, but the loud voice of the economist is heard that the expense cannot be afforded. Whether 'tis better or "nobler in the mind" to suffer death, or whether in the long run funerals are cheaper than water mains, we leave to the lovers of the Passaic River water to explain.

ST. LOUIS RUFFIANISM.

A WIFE-BEATER'S DESPERATE SHOOTING MATCH WITH AN OFFICER.

[From the Globe-Democrat.]

The trouble had its origin in an old propensity of Flaherty's to beat his wife, who resided in the locality named. Mrs. Flaherty had separated from her husband for his brutality, and was endeavoring as best she knew how to escape his attention. His persecutions, however, were regularly applied and were known to all who knew the family. He was formerly a member of the police force, and, it is alleged, was dismissed therefrom for this especial failing, having acquired the title of "wife beater," which the Board of Commissioners would not permit an officer to hold. About eleven o'clock last night Flaherty's abuse of his wife attracted the attention of a neighbor, who took it upon himself to provide means for stopping the nuisance. He succeeded in finding near at hand Officers Quigley and E. Maher, who, after being notified of the facts, proceeded to the work of suppressing Flaherty's innate playfulness. Arriving at the house they were told that he had arrived himself, and gone into the yard. Thither the officers went together. They found Flaherty standing in a dark corner, and did not perceive him until within a few feet of him. Maher, who was acquainted with him, addressed him by name, and said, "What does all this mean?" The response was quick and unexpectedly pointed. Flaherty raised a pistol that he had had in his hand, unperceived, and saying, "I'll show you," fired, the ball striking Quigley in the right side, between the seventh and eighth ribs, and rendering him, of course, helpless. Maher had his revolver out in an instant, and "blazed" away at Flaherty, the latter firing a second shot at the same instant. Maher's shot took effect, but to what extent is not known. Flaherty was seen to totter, but, recovering himself, made off while Maher was, naturally enough, devoting his attention to his wounded comrade. It is thought by the officers, though for what reason is not stated, that Flaherty was shot through the left leg. A despatch was received at the Chestnut street station at two o'clock this morning stating that Flaherty had been arrested and lodged in the Fifth district station.

NORTHWESTERN MURDERS.

[From the San Francisco Chronicle.]

SEATTLE, W. T., May 30, 1877.

Henry L. Sutton, a saloon keeper of Port Townsend, and Charles Howard, a pilot of the Straits of Fuca, between whom there had been a terrible enmity for some time, had some unpleasant words at Sutton's door last Saturday evening, at the close of which Sutton drew a revolver and shot Howard twice, once through the body and once through the right arm, from the effects of which Howard died the following evening. Sutton was desperate and spoke of killing others, and said that he would shoot any man who attempted to arrest him. No one made the attempt, and two hours after the shooting he got into a boat, taking with him a Henry rifle, a shotgun, a revolver, a large amount of coin and other things, and left the town. The trouble between the men was first caused by an Indian woman, augmented afterward by Sutton kicking Howard's dog out of his saloon.

"Nigger Bob," a colored man at Tacoma, was shot by a Kanaka on Sunday night with a Henry rifle, and instantly killed. The Kanaka waited until nine o'clock, when he ascertained the exact whereabouts of Bob in his house, when he fired at him from the outside through the boards. An old grudge between them was the cause of the murder. The Kanaka was arrested at once.